

Mine Action Review statement on Ukraine

Agenda Item 4: Matters related to the mandate of the Committee on Article 5 Implementation APMBC Intersessional Meetings, 19–21 June 2023

Thank you, Mr. President.

I am delivering this statement on behalf of the Mine Action Review.

Mine Action Review recognises the multiple and complex challenges Ukraine faces since Russia's full-scale invasion in February 2022 and we commend Ukraine for its dedicated efforts to address the large-scale contamination from mines and other forms of explosive ordnance under extremely difficult circumstances. However challenging the circumstances though, nothing justifies Ukraine's own use of anti-personnel mines during the conflict. Article 1(1)(a) of the Convention obligates States Parties to undertake never under any circumstances to use anti-personnel mines. That includes all situations of armed conflict and even when a State is the victim of aggression.

With respect to Article 5, we welcome the fact that Ukraine has submitted a request to extend its Article 5 clearance deadline and has also provided some additional information to the Committee on Article 5 implementation. We understand that, due to the ongoing conflict, Ukraine is not able to submit an extension request containing full information on the scale of mine contamination on its territory or a detailed plan for addressing mined areas, at this current time.

Mine Action Review welcomes what we understand and hope is a reduction in the amount of time Ukraine is requesting to extend its Article 5 deadline by, from 10 years to 5 years. No blanket extension would be acceptable under the circumstances and given the evidence of use of anti-personnel mines by Ukraine itself, thereby contributing to the problem.

We also welcome Ukraine's plans to expand the humanitarian demining capacity of the armed forces and State Special Transport Service, by an estimated 5,000 personnel, and note Ukraine's need to provide these additional demining units with equipment.

We recommend that Ukraine:

- Commits to cease all use of anti-personnel mines immediately.
- Confirms that it is now requesting a 5-year extension to its deadline, rather than the 10-year extension originally sought.
- Commits to comprehensive annual reporting on progress in survey and clearance of mined areas, and to producing an updated annual work plan reflecting the available data, each year during the extension period.
- Strives to ensure that it disaggregates mined areas which contain anti-personnel mines or mixed anti-personnel and anti-vehicle mines, from areas only containing anti-vehicle mines, both in its non-technical survey data collected and reported, and in its clearance data collected and reported.
- Strives to ensure that it disaggregates anti-personnel mines (including victim-activated booby traps), from other types of explosive ordnance contamination, in its reporting on the devices found and destroyed.
- Continues to conduct non-technical survey of mined areas under its jurisdiction and control.

Returning to the issue of use of anti-personnel mines. States Parties at 20MSP rightly condemned the use of anti-personnel mines anywhere, at any time, and by any actor. The prohibition on use is categorical and there are no exceptions. States Parties must uphold this obligation at all times, including during armed conflict, and they must hold each other to account on the absolute prohibition on use, in order to safeguard the norms and success of the Convention and the protection of civilians.

The nature of use by Ukrainian armed forces almost certainly amounts to the most serious violation of the Anti-Personnel Mine Ban Convention since its entry into force in 1999. Its gravity demands that every State Party comply with its obligations to ensure respect for international humanitarian law by condemning all use by Ukraine without equivocation.

Mine Action Review therefore calls upon the Government of Ukraine to:

- Investigate and report back to the Convention on the reported use of anti-personnel mines by Ukraine without delay.
- Secure Ukraine's stockpile of PFM anti-personnel mines and ensure that no stockpiled mines can be used in combat operations under any circumstances. Furthermore, Ukraine should ensure destruction of all remaining stockpiled anti-personnel mines as soon as possible.

In order to avoid the States Parties needing to take action on this issue under Article 8, paragraph 2 of the Convention, Ukraine must be transparent and respond to the request for clarification from the Committee on Cooperative Compliance. Ukraine must respond to this very serious issue now, and not delay its response until the end of hostilities in Ukraine.

Lastly, we also note and condemn the large-scale use by Russia, a State not party to the Convention, of multiple types of anti-personnel mines and victim-activated booby traps on Ukrainian territory. However, once again, this does not justify Ukrainian use of these prohibited weapons.

Thank you.